

## **REMARKS**

Claims 1-8 are now pending in the application. Minor amendments have been made to claims contained herein, but they are of equivalent scope as originally filed; therefore, they are not to be considered narrowing amendments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed although claim amendments have been made. Minor amendments have been made to claims 1, 6, and 7 to simply overcome the rejections made by the Examiner under 35 U.S.C. § 112.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 4 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Honda (U.S. Pat. No. 6,266,967). This rejection is respectfully traversed.

The Examiner states, "Honda discloses a plurality of discharge ducts 38 which discharge air into the rear of the passenger compartment." The Applicant respectfully refers the Examiner to page 5, line 6 of the specification which states, "Further, as shown in Fig. 2, at least one discharging opening 8 is provided at a position near each passenger seat 7, and air inside the passenger compartment is exhausted

therethrough.” The discharging openings 8 open to allow air to flow from the inside of the passenger compartment to the outside of the passenger compartment to, in part, facilitate air flow-through of the air conditioning system. Also, see Figs. 3A and 3B, and page 6, line 25, which states, “Further, the discharging opening 8 is provided with the non-return valve 9, thereby preventing air conditioning from being disturbed by the outside.” This valve permits air to flow from inside the passenger compartment to outside the passenger compartment, but not from outside the passenger compartment to inside the passenger compartment.

Honda (U.S. Pat. No. 6,266,967) does not disclose discharging openings that discharge air from inside a passenger compartment to outside a passenger compartment. Additionally, because the Examiner’s 35 USC §112 rejection of claim 1, related to “into outside of the vehicle,” has been cured, the Applicant believes this 35 USC §102(b) rejection also to be cured and that claims 1, 4 and 8 now to be in condition for allowance.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Honda. This rejection is respectfully traversed.

Honda (U.S. Pat. No. 6,266,967) does not disclose discharging openings, as in Applicant’s claimed invention. Honda discloses an opening (e.g., air outlet 38a) for discharging air into the passenger compartment, but not for discharging air from the passenger compartment. Therefore, Applicant’s claim 3 is different from Honda’s disclosure, and as such, applicant believes claim 3 is in condition for allowance.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Honda in view of Sakurai (U.S. Pat. No. 4,800,951). This rejection is respectfully traversed.

The Examiner states, "Sakurai teaches an air conditioning system for a vehicle including a non-return valve 4 which prevents outside air from entering the system." Column 2, line 65 – column 3, line 2, of Sakurai states, "The air conditioner system comprises a front-seat air conditioner unit 1 including a main air flow duct 2 which has a recirculated air inlet 3 and an outside air inlet 4 provided in a branched fashion. A door 5 is provided between the branched inlets 3 and 4 to select one of the inlets 3 and 4."

Sakurai's inlet 4 is specifically designed to permit outside air to flow into a passenger compartment. Sakurai teaches away from Applicant's claim 5, which states, "a non-return valve for preventing outside air from drawing into the passenger compartment through the discharging openings."

Because Sakurai and Honda do not individually disclose, nor in combination teach, Applicant's claim 5, the Applicant believes claim 5 to be in condition for allowance.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 2 and 7 would be allowable if rewritten in independent form. The Applicant thanks the Examiner for the allowable subject matter; however, based on the above arguments made by the Applicant, claims 1-8 are believed to be in condition for allowance and therefore, claims 2 and 7 have not been rewritten in independent form.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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